United Nations S/PV.4681

Security Council

Fifty-seventh year

Provisional

4681st meeting

Friday, 20 December 2002, 7.50 p.m.

New York

President:	Mr. Valdivieso	(Colombia)
Members:	Bulgaria	Mr. Raytchev
	Cameroon	Mr. Chungong Ayafor
	China	Mr. Chen Xu
	France	Mr. De La Sablière
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Mr. Koonjul
	Mexico	Mr. Pujalte
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Negroponte

Agenda

The situation in the Middle East, including the Palestinian question.

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02-75288 (E)

The meeting was called to order at 7.50 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East, including the question of Palestine

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Israel, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Jacob (Israel) took a seat at the Council table.

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter dated 20 December 2002 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2002/1395 and which reads as follows:

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council to be held today, Friday, 20 December 2002, regarding the situation in the occupied Palestinian territory, including Jerusalem."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the meeting, in accordance with the rules of procedure and with previous practice in this regard.

There being no objection, it is so decided.

At the invitation of the President, Mr. Al-Kidwa (Palestine) took a seat at the Council table.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/1385, which contains the text of a draft resolution submitted by the Syrian Arab Republic.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first call on those members of the Council who wish to make statements before the voting.

Mr. Negroponte (United States of America): The United States views the incidents which resulted in the deaths of several United Nations employees and the destruction of a World Food Programme warehouse as serious ones that should be addressed. We have expressed our own concerns publicly in that regard, calling on Israel to investigate the events and to take all appropriate measures to prevent further civilian casualties and harm to humanitarian facilities. A resolution adopted by the Council on this subject should urge action by all concerned that would minimize the threats to United Nations personnel and United Nations facilities. We do not see that focus in the resolution before us. We have proposed alternative language to this end. The resolution's sponsor rejected it.

The proponents of this resolution appear more intent on condemning Israeli occupation than on ensuring the safety of United Nations personnel. Mixing these two issues is inappropriate and weakens the Council's voice on the need for both parties to take steps to avoid actions that endanger innocent civilians and United Nations staff.

Earlier today, President Bush expressed strong support for the efforts of the Quartet and his firm commitment to the Quartet's roadmap which would realize his vision of two States, Israel and Palestine, living side by side in peace and security. Adoption of this draft resolution would not contribute to an environment where both sides would be ready to move forward in implementing the practical steps in the roadmap.

We are deeply concerned about the safety of United Nations personnel and all civilians in situations of armed conflict. We also contribute significant funds to support the work of both the World Food Programme and the United Nations Relief and Works Agency for

Palestine refugees in the Near East. The United States clearly was prepared to engage seriously in further discussions with other Council members in an effort to achieve a draft resolution text that all Council members could support. Indeed, we had circulated an alternative draft which we believed covered all the essential points and referred to the incidents in question in a fair, objective and balanced manner.

My delegation reserves its right to resubmit this draft to the Council for consideration and vote the first thing next week. Unfortunately, the sponsors of the draft resolution which we are voting on now refused to engage on our constructive proposal, insisting rather on this hasty vote without considered discussion of our draft. It is therefore with regret that we will vote against the resolution sponsored by Syria.

The President (*spoke in Spanish*): We will now proceed with the vote on the draft resolution contained in document S/2002/1385.

A vote was taken by show of hands.

In favour:
China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom

Against:
United States of America

Abstentions:
Bulgaria, Cameroon

The President: The result of the voting is as follows: 12 votes in favour, one vote against and two abstentions. The draft resolution has not been adopted owing to the negative vote of a permanent member of the Council.

I shall now give the floor to those members of the Council who wish to make statements following the voting on the draft resolution.

Mr. Raytchev (Bulgaria): The Republic of Bulgaria regrets that it was not possible to achieve unanimity among the 15 member States of the Security Council on the draft resolution just voted. We strongly believe that the division of the Council does not help in any way to find just solutions in favour of peace and security.

By abstaining, the Republic of Bulgaria does not oppose the text of the draft resolution in principal. We categorically deplore all acts of violence causing a loss of human life and destruction.

Mr. Kolby (Norway): Norway voted in favour of the draft resolution. Norway urges both parties to avoid harming civilians and to fully respect international law. It is particularly important that international humanitarian personnel carry out their important humanitarian mission without threat to their personal security. Having said that, we would like to reiterate our strong condemnation of terrorist attacks by Palestinian groups against Israeli civilians. Such attacks achieve nothing but misery; they escalate the conflict and create obstacles to a resumption of the peace process.

We call on the Palestinian Authority to fight terrorism one hundred per cent, in words as well as in deeds, with strengthened and reformed security structures. Terrorist organizations must stop killing innocent civilians; they must disarm and engage in a democratic political process. In parallel, the Palestinians should advance the entire reform agenda and fully respect democratic principles, the rule of law and freedom of speech. Only thus will the international community be able to fully engage in building a viable Palestinian state.

Mr. De la Sabliere (France) (*spoke in French*): France has lent its support to the draft resolution presented by Syria on behalf of the Arab group. While humanitarian personnel have paid a heavy price due to disproportionate violence, it was indeed quite natural for the Security Council to condemn the actions of those who bear the responsibility for so doing.

It was both legitimate and justified as well for the Security Council once again to engage Israel to respect the obligations which devolve on it under international humanitarian law, and in particular under the Fourth Geneva Convention. We regret that the Council was not in a position to adopt this draft resolution, which had a limited but essential goal.

Mr. Corr (Ireland): Ireland supported the draft resolution presented by Syria on behalf of the Arab group because we considered it appropriate that the Council address the important issues raised in the draft resolution. We also consider it appropriate and important that the Council condemn the recent killings of international staff and the deliberate destruction of a food warehouse and its contents at a time when the population of Gaza is finding it so difficult to survive.

We also supported the draft resolution because we consider it fully appropriate also to remind Israel of the need to fully respect international humanitarian law. It is obliged to fully respect the provisions of the Fourth Geneva Convention which applies in the occupied territories.

The President (*spoke in Spanish*): The Permanent Observer of Palestine has asked for the floor.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): We strongly condemn the attacks by the Israeli occupation forces on the sites and personnel of the United Nations in the occupied Palestinian territories, including East Jerusalem. We particularly condemn the killing, including the killing of one international civil servant, Mr. Iain Hook, in the Jenin refugee camp. Mr. Hook was responsible for reconstructing the refugee camp of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). We also condemn the destruction, particularly the World Food Programme warehouse in Beit Lahiya.

These acts clearly constitute war crimes under international humanitarian law, including the Fourth Geneva Convention and its Additional Protocol I. The international community should therefore undertake necessary measures against those who perpetrated these acts and should work to have them brought to justice.

The Council has already stated in a presidential statement the need to protect civilians in times of war. We express our deep concern with the fact that the Sharon-Netanyahu Government did not take any measures to put an end to the grave violations and gross infractions by the Israeli occupation authorities, including acts against United Nations and other humanitarian organizations. Thus the Israeli Government is directly responsible for these acts.

Furthermore, it has become clear that the attacks against United Nations headquarters and against United Nations personnel constitute a systematic approach and a type of conduct that characterizes the behaviour of the Israeli occupying forces. It reflects the Israeli defiance, as the occupying force, of international law, international humanitarian law, as well as all international norms. Israel, regrettably, depends on the automatic protection bestowed upon it by a permanent member of the Security Council.

The Arab Group submitted a draft resolution that deals with the events and aims at putting an end to the acts by the Israeli occupying force, by stressing the protection provided by international humanitarian law to the sites, headquarters and personnel of the United Nations and other humanitarian organizations. No one would have thought that such a draft resolution would face difficulties. No one would have thought it could have been voted down or vetoed, although we note that the United States is biased towards Israel. It seems that this bias knows no limit, even if it is at the expense of international humanitarian law and at the expense of the lives of those who work in the humanitarian field and the lives of the Palestinian people in their entirety.

If the cause of the difficulties that the draft resolution — which was not adopted — faced was the reference to the Fourth Geneva Convention, or if the difficulties were due to the fact that Israel was mentioned as an occupying Power, meaning that there is an occupation, if either was the reason for the difficulties of the draft resolution then I say there is yet another major obstacle. If this is true it would mean that the United States of America is about to cause a historic new disaster to be inflicted on the Palestinian people and on the region by opting to take positions that would only lead to support of the extreme Israeli right that aims at eroding the nature of the occupied territories. Israel would therefore be an occupying Power that would guarantee the expansionist scheme, the continuation of settler colonialism and the building of greater Israel. If this is true it would mean an end to attempts to achieve peace in the Middle East on the basis of the rule of the two States with the 1967 borders. Furthermore, this would be an end to the peace process.

The Palestinian people and the Palestinian leadership will not accept, neither today nor in the future, bargaining over our land and over the nature of these lands, as lands under occupation. We will not accept to put the rights of the Palestinian civilians under the Fourth Geneva Convention on the bargaining table. I hope that what I have already said is not true. I truly hope this will be the case. Otherwise, God help us all for the disasters that are yet to come to the Middle East region.

What Israel does against the United Nations, its staff and against the international humanitarian organizations including ambulances and even hospitals, is only part and parcel of the criminal acts perpetrated

against the Palestinian people by Israel. Frankly, I just jotted down some examples of such criminal acts. One could simply refer to the letters that your august Council receives on this subject, given the lateness of the hour.

I would only say that this tragedy should come to an end, but for this tragedy to end, the international community should play its role, and the Security Council should play its natural role and assume its responsibilities under the United Nations Charter. This Council should not stop at putting an end to Israeli criminal acts — Israel being the occupying Power — but should aim at setting a clear definition of the basis of a building block for peace, two states based upon the 1967 borders, with Jerusalem as the capital of the two States, with a fair solution to the problem of the Palestinian refugees. This way we will be able to arrive at a peaceful solution, and the roadmap, any roadmap, will succeed, including the roadmap that was deferred today and which probably will not be confirmed before Mr. Sharon is able to add everything he wants to it.

We are about to celebrate Christmas, a New Year, the holiday seasons. However, our people, the Palestinian people will not be able to celebrate the holidays. Not even the Israeli people can joyfully celebrate the holidays. Suffice it to mention the presence of the occupying forces, the occupying tanks, not merely in Bethlehem but in the Nativity Square itself, the birthplace of Jesus Christ in the manger. Let us just recall that President Arafat has been under siege for over a year. He was prevented from going to Bethlehem to celebrate the holidays with the believers, the faithful Christians and Muslims. However, this is the Sharon-Netanyahu Israel. Perhaps we see something different. Perhaps we will see a different Israel next year.

I wish you all a joyous holiday season.

The President *(spoke in Spanish)*: The representative of Israel has requested the floor. I call on the representative of Israel.

Mr. Jacob (Israel): Israel has expressed great regret about the tragic death of the employee of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), Mr. Iain Hook, and is engaged in a thorough investigation of the circumstances leading to his death. Israel may make the findings of that investigation available to the relevant authorities once the investigation is completed.

As concerns the damage caused to the installations of the World Food Programme, Israel and the World Food Programme have been engaged in discussions aimed at finding an acceptable resolution of the issue of the food warehouse. We are confident that a resolution can be arrived at in the near future. Israel has no desire to exacerbate the already difficult situation facing the Palestinian people, and we will do our utmost to facilitate the provision of all necessary humanitarian assistance.

While it is right and proper to scrutinize the actions of States, the failure to hold accountable those armed groups that abuse the protected status of civilians and that endanger civilian life will only encourage terrorist groups to increase their reliance on such reprehensible tactics.

Furthermore, while we accept that attention must be duly paid to Israel's actions, we cannot help but be distressed at what seems to be a singular attempt to focus on Israel to the exclusion of other parties. To take just one example, in April this year, when a Palestinian terrorist in a Palestinian police uniform, armed with a Kalashnikov assault rifle, opened fire on three members of the Temporary International Presence in Hebron (TIPH), killing two of them, no action was taken — and this despite undisputed testimony of a TIPH member riding in the vehicle that came under attack.

The State of Israel is committed to achieving a genuine peace between ourselves and our neighbours. We have accepted and endorsed the vision articulated by the President of the United States in his speech on 24 June and are committed to the process he envisioned therein leading to the establishment of two States living side by side in peace and security.

Israel envisions a cooperative partnership between itself and the Palestinian Authority that would facilitate the necessary internal reforms, consolidate the various security and intelligence organs and collaborate in an intensive and unwavering campaign against terrorism. These steps could lead to further cooperation in the civil and economic area, to a scaling back of Israeli military action and to facilitating greater freedom and prosperity for Palestinians and Israelis alike.

Ultimately, and in the context of peaceful negotiations, Israel would be prepared, as it has proved in the past, to make painful concessions to bring about

true peace and meaningful coexistence with our neighbours, on the understanding that similar concessions are required by other parties to the conflict.

But no such future will be possible while the present is defined by violence, terror and bloodshed and while hatred and rejection of Israel and Jews is steadily and deliberately cultivated by the highest echelons of the Palestinian leadership and reinforced by the educational system and in the official media. The first step forward remains an absolute and total end to Palestinian terrorist campaigns.

In more than two years of deliberate violence and terrorism, countless Israelis and Palestinians have lost their lives. Thousands more have been injured. The once promising Palestinian economy is in a shambles. The credibility of the Palestinian leadership is barely greater than zero. And the establishment of a Palestinian State, which in the summer of 2000 seemed well within reach, has been pushed further off into the future.

Yet we continue to play the same cynical diplomatic games. The total lack of seriousness revealed by this latest manoeuvre here will similarly get us nowhere. We remain where we were more than two years ago. The only difference is the number of gravestones that stand as a testament to the failed policies of the past. The path forward is predicated on an absolute and irrevocable commitment to non-violence and dialogue. We hope the Council will encourage all concerned parties to contribute to an atmosphere of peace and non-violence and to the reinvigoration of the process of dialogue and reconciliation.

On a personal note, I would like to say that my term as Deputy Permanent Representative is coming to an end. As this will likely be my last statement to the Council — barring another initiative before the end of the year — I would like to express, on my own behalf as well as on behalf of Ambassador Yehuda Lancry, who could not be here today because of the tragic loss of his son, our sincere appreciation for the cooperation of the members of the Council. While we have had our disagreements, the professionalism and cordiality that has characterized our interactions give me cause to hope that we can still find a peaceful way forward in the Middle East.

The President (*spoke in Spanish*): I thank the representative of Israel for his kind words addressed to the members of the Council.

I would like to inform Council members that, because of some confusion in the paperwork, I did not give the floor to the Syrian Arab Republic earlier. I would like to do so now.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): When the Syrian Arab Republic introduced, on behalf of the Group of Arab States, the draft resolution now contained in document S/2002/1385, we understood that it dealt with issues that enjoyed unanimous support — issues of concern to the international community and the various bodies of the United Nations, including the Security Council. The objective of the draft resolution was to put an end to the killing by the occupying Power, Israel, of United Nations personnel, which escalated sharply last month. From another angle, it aimed at compelling Israel to stop attacking United Nations buildings or warehouses, including that belonging to the World Food Programme, which has a warehouse in the occupied Palestinian land. The purpose of that warehouse is to feed the Palestinian people — a people who are in dire need of food. Even that warehouse was attacked in order to deprive the Palestinian people of food.

The international community is in agreement that the killing of international personnel and the destruction of United Nations facilities is a red line that no party is allowed to cross. We do not believe that Israel should be allowed to be an exception to that rule. We do not believe that it is permissible in any way to give Israel the right to kill United Nations personnel without accountability or sanction. So far it has killed more than 14 international staff members.

The Fourth Geneva Convention sets out the obligations of occupying Powers. We all are parties to that Convention, which must be respected and implemented by all, without double standard.

If the Security Council — the United Nations body with primary responsibility for the maintenance of international peace and security — is unable to put an end to such Israeli practices because of the protection given Israel by one permanent member, that will open the door wide to further flouting of international humanitarian law, including the Fourth Geneva Convention.

Syria, along with the other members of the Security Council, undertook the necessary consultations this past week. We took all proposed amendments, which were put forward by the majority of members of the Security Council, back to the Group of Arab States, in order to ensure the adoption of the draft.

However, most regrettably, we were unable to include the amendments proposed by one delegation, because they fell outside the framework of the draft resolution and were inconsistent with the desired objective, and because they attempted to equate the butcher and the victim. This is very strange. Indeed, the delegation concerned voted against the draft resolution today, thus depriving the majority of members of the Security Council — 12 members — of their desired goal: to maintain the unanimity of the Council. Regrettably that was denied them. The delegation that voted against the draft resolution also prevented the international community from sending its message to Israel, the occupying Power.

We must place on record the fact that this draft resolution and the condemnation therein of the occupying Power, Israel, in its criminal acts, is unrelated to ongoing international efforts to achieve a just and comprehensive peace.

Although the Security Council was unable to adopt the draft resolution because of the negative vote of a permanent member, Syria will persevere in supporting the Security Council in its tireless efforts to maintain international peace and security, ensure respect for international law, and prevent the killing of United Nations personnel engaged in humanitarian missions anywhere in the world. These principles lie at the heart of our foreign policy.

The President (spoke in Spanish): The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 8.30 p.m.